

Message Text

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PAGE 01 NAIROB 02444 111443Z

70

ACTION AF-06

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H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC 8300

INFO AMEMBASSY ADDIS ABABA

AMEMBASSY DAR ES SALAAM

AMEMBASSY LONDON

AMEMBASSY MOGADISCIO

LIMITED OFFICIAL USE NAIROBI 2444

LONDON FOR SEITZ

E.O. 11652: N/A

TAGS: PINT, KE

SUBJECT: DISSIDENT MP JAILED ON CRIMINAL CHARGE

REF: NAIROBI 0830

1. SUMMARY: PROMINENT DISSIDENT MP HAS BEEN SENTENCED TO LENGTHY PRISON TERM ON CRIMINAL CHARGE, BRINGING TO FIVE NUMBER OF GOK PARLIAMENTARY OPPONENTS WHO HAVE BEEN JAILED OR DETAINED (AND REMOVED FROM NATIONAL ASSEMBLY) SINCE GOVERNMENT CRACKDOWN ON NATIONAL ASSEMBLY CRITICS BEGAN NINE MONTHS AGO. END SUMMARY.

2. MISS CHELAGUT MUTAI, 27, AN OUTSPOKEN PARLIAMENTARY CRITIC OF GOK AND CLOSE POLITICAL ALLY OF FORMER NATIONAL ASSEMBLY DEPUTY SPEAKER JOHN SERONEY (CURRENTLY IN DETENTION) HAS BEEN SENTENCED TO TWO AND A HALF YEARS' IMPRISONMENT FOLLOWING HER MARCH 10 CONVICTION ON A CHARGE OF INCITEMENT TO VIOLENCE. CRIMINAL CASE AGAINST

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PAGE 02 NAIROB 02444 111443Z

MUTAI ARISES FROM SIX-MONTH OLD INCIDENT IN WHICH SHE

ALLEGEDLY URGED A GROUP OF FARMERS TO UPROOT CROPS AND DESTROY PROPERTY ON LARGE ASIAN-OWNED SISAL ESTATE IN HER CONSTITUENCY (REPORTED REFTEL). CHARGE CARRIED A MAXIMUM PRISON SENTENCE OF THREE YEARS. LENGTHY JAIL TERM WAS IMPOSED BY SAME ASIAN JUDGE WHO HANDED OUT STIFF SENTENCE AGAINST ANOTHER PROMINENT PARLIAMENTARY DISSIDENT (MARK MWITHAGA-75 NAIROBI A-100).

3. IN HIS VERDICT, JUDGE HIGHLY PRAISED EVIDENCE PRESENTED BY PROSECUTION WITNESSES WHILE REJECTING DEFENSE WITNESSES' ACCOUNTS OF INCIDENT AS "CONTRADICTORY, FAULTY, SHAKY AND UNRELIABLE." THIS WOULD, BY IMPLICATION, INCLUDE EVIDENCE OF STAR WITNESS FOR DEFENSE JOHN SERONEY WHO EMERGED BRIEFLY FROM DETENTION TO TESTIFY ON MUTAI'S BEHALF. (ACCORDING LOCAL PRESS CONTACT WHO WAS PRESENT IN COURTROOM, SERONEY APPEARED TO BE IN EXCELLENT HEALTH AFTER FIVE MONTHS IN POLITICAL DETENTION.)

4. ALTHOUGH MUTAI HAS RIGHT OF APPEAL IT IS EXPECTED THAT IN HER CASE, AS IN TWO OTHER RECENT POLITICALLY-RELATED CRIMINAL CASES, VERDICT WILL BE UPHOLD WITH NO REDUCTION IN SENTENCE. SINCE PRISON SENTENCE EXCEEDS SIX MONTHS MUTAI WILL LOSE HER PARLIAMENTARY SEAT IF HER SENTENCE STANDS.

5. MONTH-LONG MUTAI CASE, WHICH WAS ACCORDED FRONT PAGE COVERAGE IN LOCAL PRESS, HAS BEEN CLOSELY FOLLOWED BY ORDINARY KENYANS ESPECIALLY BECAUSE CASE TOUCHES UPON HIGHLY SENSITIVE LAND ISSUE AND HAS RACIAL OVERTONES SINCE SISAL ESTATE OWNERS ARE FROM UNPOPULAR ASIAN COMMUNITY. IN A DECISION WHICH SOME OBSERVERS BELIEVE MAY PROVOKE AN ANTI-GOK REACTION IN AFFECTED AREA, THE JUDGE ALSO ORDERED EVICTION OF SISAL ESTATE'S 6,000 AFRICAN FARMERS WHO HAD BEEN SQUATTERS SINCE LATE '60'S AND REPORTEDLY PAID ABOUT \$450,000 TOWARD PURCHASE OF ESTATE. (BACKGROUND PROVIDED REFTEL.)

6. FOR MOMENT AT LEAST, MUTAI VERDICT HAS HAD NO LIMITED OFFICIAL USE

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PAGE 03 NAIROBI 02444 111443Z

NOTICEABLE IMPACT ON NAIROBI UNIVERSITY WHERE SHE HAS LARGE FOLLOWING AMONG BOTH STUDENTS AND JUNIOR FACULTY. FAILURE OF STUDENTS TO MOUNT PROTEST DEMONSTRATION PROBABLY STEMS FROM FEELING THAT HER CONVICTION WAS FOREGONE CONCLUSION AND FACT THAT STUDENTS SOMEWHAT COWED BY ROUGH POLICE ACTION IN BREAKING UP MARCH 2 STUDENT DEMONSTRATION IN WHICH NUMBER OF STUDENTS WERE INJURED AND SEVERAL ARRESTED (NAIROBI 2112).

7. ACCORDING CHIEF CLERK, NATIONAL ASSEMBLY CURRENTLY IN UNUSUALLY LONG RECESS, MAY BE RECONVENED IN NEAR FUTURE NOW THAT MUTAI CASE IS COMPLETED.

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MARSHALL

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